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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION
13

14 UNITED STATES OF AMERICA,)

15 Plaintiff,)

16 v.)

17 JOSEPH SOLICE ABBATE,)
18 aka, Sherman Joseph Fisher,)
19 aka, "Butch,")
20 aka, "Mac Dre,")
21 aka, "Andre Hick,")

22 Defendant.)
23

No. CR-11-00291 SBA

ORDER GRANTING
STIPULATED REQUEST TO CONTINUE
HEARING DATE TO JANUARY 24, 2012
AND TO EXCLUDE TIME UNDER THE
SPEEDY TRIAL ACT

Date: December 12, 2011
Time: 10:00 a.m.
Court: Hon. Saundra Brown Armstrong

24 The parties jointly requested that the status hearing in this matter be continued from
25 December 12, 2011 to January 24, 2012, and that time be excluded under the Speedy Trial Act
26 between those dates to allow for the effective preparation of counsel, taking into account the
27 exercise of due diligence, and continuity of defense counsel.

28 The remaining defendant, along with sixteen co-defendants, were charged in a sixteen-
count indictment with (1) conspiracy to possess with the intent to distribute and to distribute
methamphetamine, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and

1 841(b)(1)(A)(viii); and (2) possession with intent to distribute, and distribution of,
2 methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1),
3 841(b)(1)(B)(viii), and 841(b)(1)(C). On May 2, 2011 and May 3, 2011, defendants were
4 arraigned on the indictment. Sixteen defendants have since pleaded guilty or have scheduled
5 change of plea hearings. The United States has produced substantial discovery to defendants,
6 including draft linesheets from the wiretaps, recorded telephone calls from the wiretaps,
7 surveillance reports, reports and photographs from search warrants that were executed,
8 information regarding defendant's criminal history (including police reports related to prior
9 arrests), documents related to the authorization of the search warrants, and documents related to
10 the authorization of the wiretaps. Defense counsel needs additional time to review the discovery
11 that has been produced, to discuss the evidence with his client, and to investigate the matter.

12 The parties agree to an exclusion of time pursuant to the Speedy Trial Act (18 U.S.C. §
13 3161) from December 8, 2011 to January 24, 2012, in light of (1) the need for defense counsel to
14 review discovery produced by the United States, to discuss the evidence with his client, and to
15 investigate this matter, and (2) defense counsel's other scheduled case commitments during that
16 time period. The extension is not sought for delay. The parties agree the ends of justice served
17 by granting the continuance outweigh the best interest of the public and the defendant in a
18 speedy trial. For these stated reasons, the Court finds that the ends of justice served by granting
19 the continuance outweigh the best interest of the public and the defendant in a speedy trial.
20 Good cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

21 **IT IS HEREBY ORDERED** that the status hearing in this matter is continued from
22 December 12, 2011 to January 24, 2012 at 10:00 a.m. before this Court, and that time between
23 December 8, 2011 and January 24, 2012 is excluded under the Speedy Trial Act to allow for the
24 effective preparation of counsel, taking into account the exercise of due diligence, and continuity
25 of defense counsel.

26
27 DATED: _12/8/11

28 
HON. SAUNDRA BROWN ARMSTRONG
United States District Court Judge